

REMARKS

Claims 1 to 15 were pending in the present application. Applicant has amended claim 10 and 11, and canceled claims 13 to 15. Claims 1 to 12 remain pending.

Request for Documentation

The Examiner asked the Applicant to submit documentation of prior art that the Examiner may find similar to the claimed invention that could reasonably be used in a § 102 or 103 rejection. Accordingly, the Applicant has concurrently submitted an information disclosure statement citing documentation of prior art.

The Examiner asked the Applicant to discuss the elements of independent claims 1 and 6 with respect to the prior art identified in the information disclosure statement submitted on August 12, 2005 and February 3, 2006. Applicant has not provided such a discussion because Applicant wishes the Examiner to review the present application unbiased from Applicant's characterization of the prior art. Applicant notes there is no requirement under 37 C.F.R. §§ 1.105, 1.56, 1.97, and 1.98 to provide such a discussion.

§ 102 Rejections

The Examiner rejected claims 1 to 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,434,681 ("Armangau"). Addressing claim 1, the Examiner found that "Armangau teaches the claimed 'read only snapshot' as described at col. 2, lines 13-23 and lines 36-50," and the "claimed 'read-write snapshot' as discussed at col. 3, lines 5-22, line 50 and col. 4, lines 15-45." May 16, 2006 Office Action, p. 5. Applicant respectfully traverses.

Applicant notes that the Examiner meant to reject claims 1 to 12 under 35 U.S.C. § 102(e) instead of § 102(b) since Armangau was not patented more than one year prior to the date of application for the present application since the present application claims priority to provisional applications filed on September 6, 2002.

Claim 1 recites a read-write snapshot that can be written by a user. The Examiner cited lines that disclose a read-only snapshot that cannot be written by a user.

.... The data processor is programmed to maintain in the data storage a snapshot copy of the production data set, the snapshot copy including data

existing in the production data set at a time when the snapshot copy is created. Moreover, the data processor is programmed to respond to a request from the host processor for a write operation upon a storage location of the production data set by checking whether or not the storage location of the production data set has been modified since the time when the snapshot copy was created, and upon finding that the storage location of the production data set has not been modified since the time when the snapshot copy was created, copying data from the storage location of the production data set to an allocated storage location of the snapshot copy, and after copying data from the storage location of the production data set to the allocated storage location of the snapshot copy, performing the write operation upon the storage location of the production data set.

....

... copy on the list of pointers allocated to the snapshot copy,

.... The data processor is responsive to requests from a host processor for read/write access to a production data set including multiple storage locations in the data storage. The program is executable by the data processor for maintaining in the data storage a snapshot copy of the production data set, the snapshot copy including data existing in the production data set at a time when the snapshot copy is created. The program is also executable by the data processor for responding to a request from the host processor for a write operation upon a storage location of the production data set by checking whether or not the storage location of the production data set has been modified since the time when the snapshot copy was created, and upon finding that the storage location of the production data set has not been modified since the time when the snapshot copy was created, copying data from the storage location of the production data set to an allocated storage location of the snapshot copy, and after copying data from the storage location of the production data set to the allocated storage location of the snapshot copy, performing the write operation upon the storage location of the production data set.

Armangau, col. 3, lines 5-22, line 50, col. 4, lines 15 to 45. As can be seen from the quoted lines above, Armangau discloses a read-only snapshot that captures an image of the production data set at a specific point-in-time. Such a read-only snapshot cannot be written by a user or otherwise the point-in-time image of the production data set would be corrupted. Furthermore, Armangau does not disclose a snapshot, whether a read-write snapshot or a read-only snapshot, that descends from a read-only snapshot. For the above reasons, claim 1 is patentable over Armangau.

Claims 2 to 5 depend from claim 1 and are patentable over Armangau for at least the same reasons as claim 1.

Claim 6 is a method claim that parallels apparatus claim 1. Accordingly, claim 6 is patentable over Armangau for at least the same reasons as claim 1.

Claims 7 to 12 depend from claim 6 and are patentable over Armangau for at least the same reasons as claim 6.

Summary

In summary, claims 1 to 15 were pending in the present application. Applicant has amended claims 10 and 11, and canceled claims 13 to 15. Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 1 to 12. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

Respectfully submitted,

/David C Hsia/

David C. Hsia
Attorney for Applicant(s)
Reg. No. 46,235

Patent Law Group LLP
2635 North First St., Ste. 223
San Jose, California 95134
408-382-0480x206